FOI Practitioner Survey

Survey Report

9 August 2022

Contents

Glossary and abbreviations

Term used	Explanation
FOI	Freedom of Information
SIC	Scottish Information Commissioner
OSIC	Office of the Scottish Information Commissioner
FOISA	The Freedom of Information (Scotland) Act 2002
EIRs	The Environmental Information (Scotland) Regulations 2004
GDPR	The General Data Protection Regulation
DP	Data Protection
DPO	Data Protection Officer
ICO	The (UK) Information Commissioner's Office

Executive Summary of findings

- **FOI is considered an important public right by FOI practitioners in Scotland**. 82% of respondents reported that they consider FOI an important public right.

- **Practitioners would like to see a dedicated resource for the FOI function in their organisation**. Although 56% of respondents reported that the FOI function is adequately resourced within their organisation, there is a clear sense from the results of the survey that practitioners would like to see a dedicated resource for FOI similar to Data Protection.

- **The majority of Scottish FOI practitioners are confident that they have the requisite skills and knowledge to do their job effectively**. 95% of respondents reported that they felt confident that they had the skills and knowledge required to be an effective FOI practitioner, with 23% reporting that they felt very confident. Just 4% of respondents reported not feeling confident at all.

- **Accessibility and content are key drivers of practitioner discontent with the Publication Scheme duty**. 30% of respondents agreed that the information their organisation publishes under the publication scheme duty is rarely what the public wants to see, with 35% neither agreeing nor disagreeing and 14% disagreeing. However, it is clear the majority of respondents do not feel that the publication scheme duty is working as intended and needs to change.

- **Scottish organisations are supportive of FOI practitioners but the profile of FOI within organisations needs to increase**. 67% of respondents agreed that their organisation provides bespoke training to staff responsible for FOI compliance. 50% of respondents agreed that the FOI training needs of all staff within their organisation are reviewed on a regular basis. However, respondents would like to see more recognition of the importance of the FOI function by organisations reflected in increased FOI resource and provision of a nationally accredited FOI training for practitioners along with a recognised qualification.

- **Practitioners find SIC[1] support helpful but would like to see improvements to certain elements of support**. 90% of respondents reported that they turn to the Commissioner's website for advice on FOI, with 93% reporting that they found the website a useful element of support. However, respondents would like to see some improvements, with these including: an increase in bespoke training for practitioners, a more user-friendly website and search-friendly decisions database, increased engagement with organisations, additional guidance on the EIRs and more support to increase the profile of FOI within organisations.

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[1] Office of the Scottish Information Commissioner.

Introduction
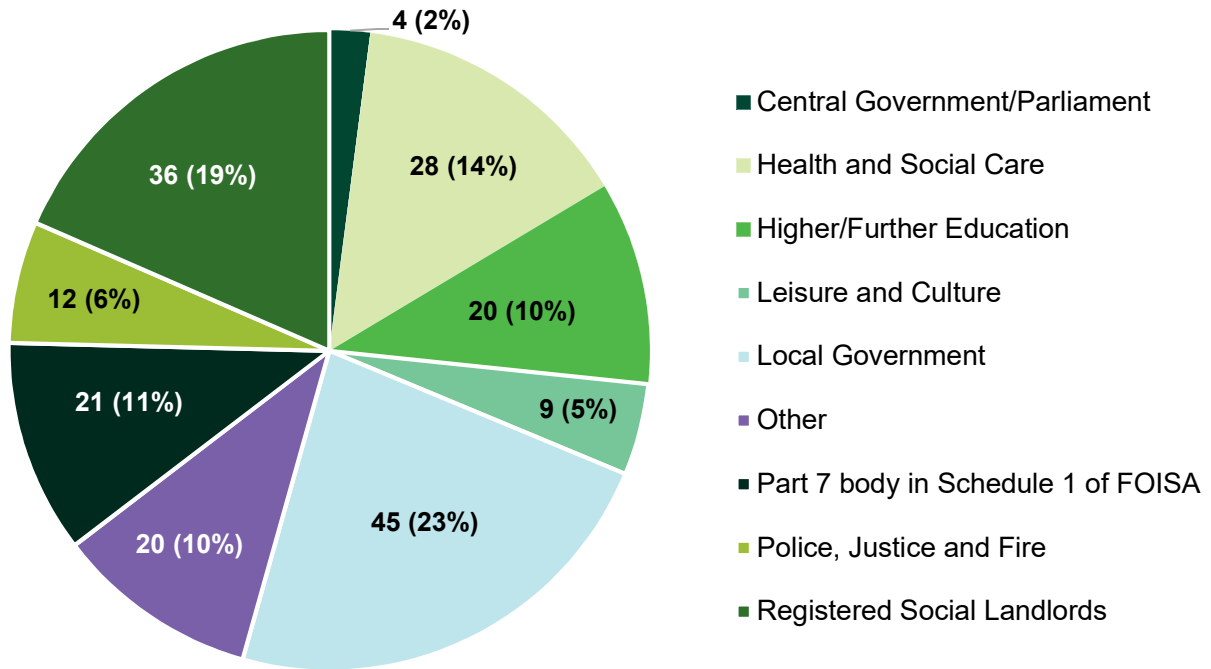
1. The FOI practitioners survey was launched on 11 January 2022 to contribute to the delivery of the Commissioner's Strategic Plan 2020-2024 (the Strategic Plan). It closed on 11 February 2022.

2. The Strategic Plan sets out the Commissioner's vision that:

"The impact of freedom of information (FOI) is increased, being recognised and valued as the key enabler of openness and transparency of public functions in Scotland, enhancing people's right to access the information that matters to them."

3. To realise this vision, the Commissioner's staff work towards a number of objectives set out in the Strategic Plan (strategic objectives) which include:

- Enable and support high standards of FOI policy and practice.

- Influence and support the development and strengthening of Scottish FOI law and practice.

- Develop Scottish public sector culture and practice where the proactive disclosure of information is routine and valued.

- Be recognised as an organisation of independent and trusted experts that is run efficiently, governed effectively and is open and transparent.

4. The Commissioner's annual Operational Plan sets out activity to be delivered in relation to the strategic objectives.

5. The survey is part of "Researching FOI practitioner views and attitudes…" activity in the Operational Plan which supports delivery of the above strategic objectives.

6. The FOI practitioners survey was carried out by the Commissioner to explore and assess the practitioner experience of FOI law and practice in Scotland. It gathered data on the value and impact of FOI, as well as the quality and adequacy of support for FOI from the perspective of practitioners.

Findings and analysis

Respondents

7. The survey was completed by 195 FOI practitioners across various sectors in Scotland. This is a positive response rate generally reflecting the number of practitioners that attend the annual University of Dundee's Centre for Freedom of Information FOI Practitioners' Conference.

8. The highest response rate came from the Local Government sector at 23%, with 45 out of the 195 responses coming from this group. Practitioners from Registered Social Landlords were also well represented at 18%, with 36 responses coming from this group:

Which of the following sectors best describes your organisation?

Legend:
- Central Government/Parliament
- Health and Social Care
- Higher/Further Education
- Leisure and Culture
- Local Government
- Other
- Part 7 body in Schedule 1 of FOISA
- Police, Justice and Fire
- Registered Social Landlords

Pie chart values:
- 4 (2%)
- 28 (14%)
- 20 (10%)
- 9 (5%)
- 45 (23%)
- 20 (10%)
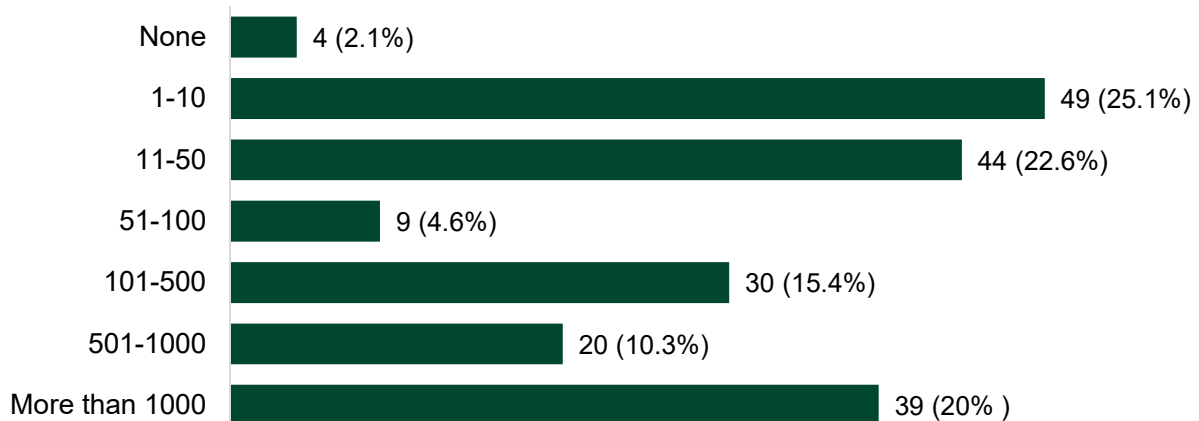- 21 (11%)
- 12 (6%)
- 36 (19%)

9.   57% of the respondents reported that they work for an organisation which has more than 250 employees, with just 6% reporting that their organisation employs 10 or fewer employees.

Volume of requests

10.   25% of respondents reported that their organisation receives approximately 1-10 FOI requests annually. 22% of respondents reported that their organisation receives 11-50 FOI requests annually, with 20% of respondents reporting that their organisation receives more than 1,000 FOI requests annually.
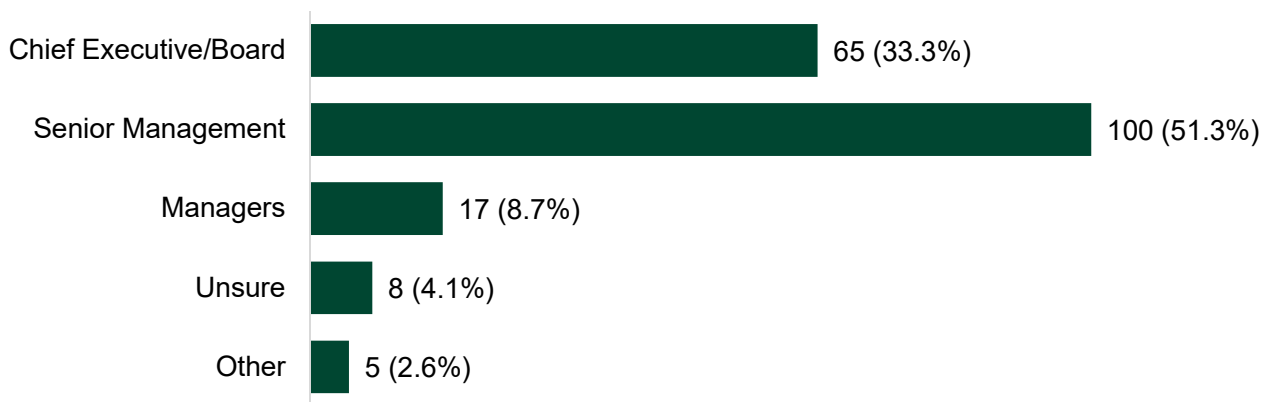
Approximately how many FOI requests (including under the Environmental Information (Scotland) Regulations – EIRs) does your organisation receive annually?

Bar chart values:
- None: 4 (2.1%)
- 1-10: 49 (25.1%)
- 11-50: 44 (22.6%)
- 51-100: 9 (4.6%)
- 101-500: 30 (15.4%)
- 501-1000: 20 (10.3%)
- More than 1000: 39 (20%)

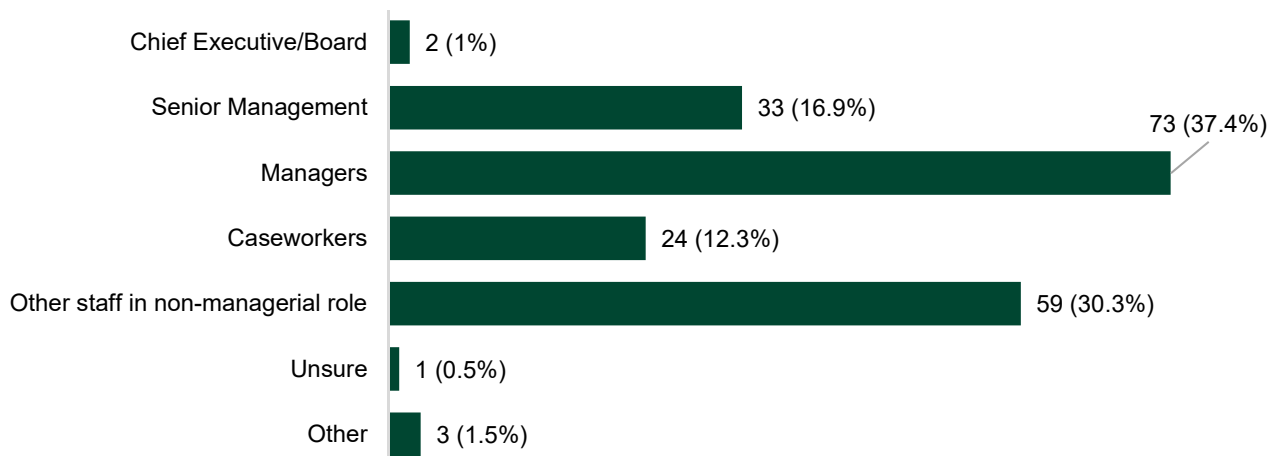**Profile of FOI within respondents' organisations**

11. Respondents were asked for information on where responsibility lies for FOI within their organisation to support analysis of the perceived profile of FOI within organisations.

12. 51% of respondents reported that strategic responsibility for FOI within their organisation lies with staff at Senior Management level. 33% reported that this sits with the Chief Executive/Board, with just 8% reporting that Managers have strategic responsibility for FOI within their organisations.

Which of the following areas/roles has overall/strategic responsibility for FOI within your organisation?

Role	Value
Chief Executive/Board	65 (33.3%)
Senior Management	100 (51.3%)
Managers	17 (8.7%)
Unsure	8 (4.1%)
Other	5 (2.6%)

13. 37% of respondents reported that the day to day management of their organisation's FOI obligations (i.e. operational responsibility for FOI) sits with Managers. 30% of respondents reported that this lies with staff in non-managerial roles.

Which of the following areas/roles best describes where responsibility for the day to day management of your organisation's FOI obligations (for example, responding to FOI requests) lies?

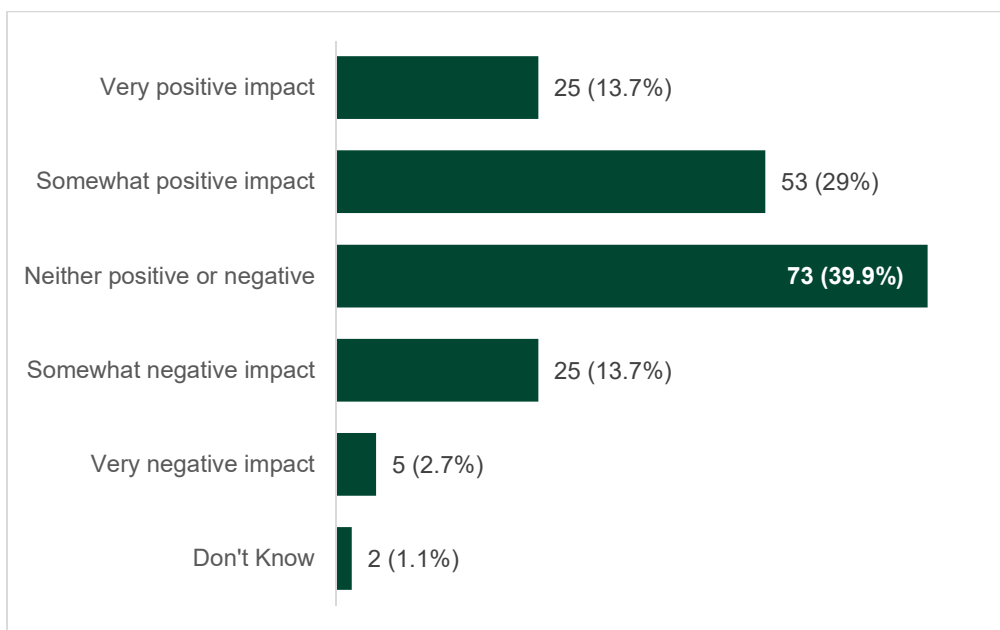| Role	Value
Chief Executive/Board	2 (1%)
Senior Management	33 (16.9%)
Managers	73 (37.4%)
Caseworkers	24 (12.3%)
Other staff in non-managerial role	59 (30.3%)
Unsure	1 (0.5%)
Other	3 (1.5%)

Impact of FOI: respondents

14.   Respondents were asked for information relating to additional roles or responsibilities within their organisation to support analysis of the impact this has on the FOI role.

15.   56% of respondents reported that only 1 member of staff within their organisation works on FOI duties as their main responsibility.

16.   The majority of respondents reported that they combined their FOI duties with other duties within their organisation. Just 6% of respondents reported having FOI as their only role within their organisation.

Aside from FOI, what other duties do you have within your organisation? Select all that apply

Duty	Count (Percentage)
Data Protection	149 (76.4%)
Records Management	114 (58.5%)
Legal	26 (13.3%)
Management	78 (40%)
Communications	37 (19%)
Information Technology	41 (21%)
Customer Service	46 (23.6%)
Administrative	94 (48.2%)
Other	50 (25.6%)
FOI is my only role	12 (6.2%)

17.   Interestingly, it would appear the majority of respondents do not feel that sharing their FOI duties with other duties within their organisation has had a negative impact on their FOI role.

18.   39% of respondents reported that combining their FOI duties with other responsibilities within their organisation has neither had a positive nor negative impact on their FOI role. 42% of respondents reported that this has had a positive impact on their FOI role, with 13% of respondents reporting its impact as very positive. 13% of respondents also reported that it has had a somewhat negative impact on their FOI role, with 2% reporting that it has had a very negative impact.
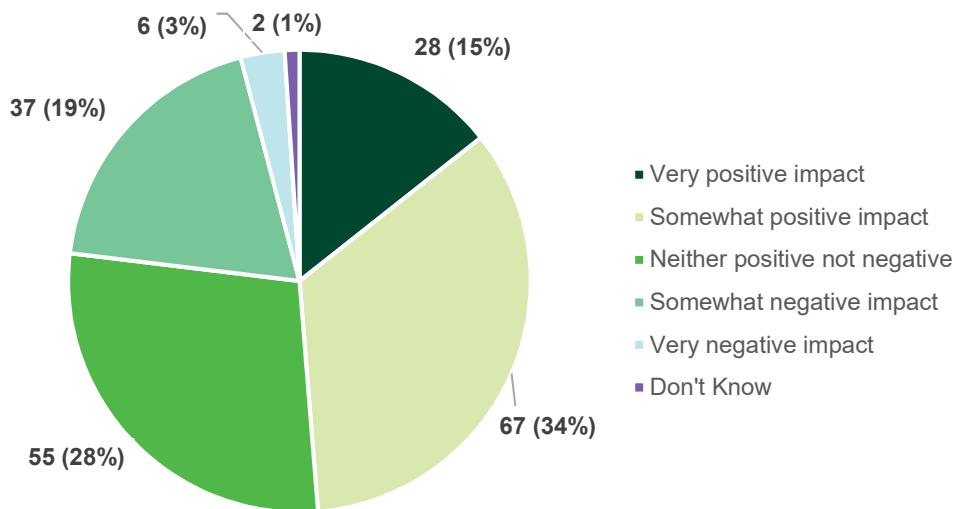
Thinking about the impact of the dual or multiple roles you have within your organisation, would you say this has had a positive or negative impact on your FOI duties?

Very positive impact — 25 (13.7%)
Somewhat positive impact — 53 (29%)
Neither positive or negative — **73 (39.9%)**
Somewhat negative impact — 25 (13.7%)
Very negative impact — 5 (2.7%)
Don't Know — 2 (1.1%)

Impact of FOI: organisations

19.   Respondents were asked a series of questions to assess their perception of the impact of FOI on their organisation.

20.   77% of respondents reported that FOI makes their organisation more open and accountable. 50% of respondents disagreed that FOI makes their organisation less proactive in publishing information about its work. 51% of respondents agreed that FOI increases public trust in their organisation. 47% of respondents agreed that FOI improves their organisation's engagement with the communities it serves and the wider public, with 30% neither agreeing nor disagreeing.

21.   41% of respondents disagreed that FOI had not improved their organisation's records management policies and procedures, with 21% neither agreeing nor disagreeing. 50% of respondents disagreed that FOI makes their organisation less proactive in publishing information about its work, with 23% strongly disagreeing with this statement. 55% of respondents disagreed that FOI makes their organisation less likely to regularly review the quality of information that it publishes proactively.

22.   Respondents presented a slightly mixed picture when asked about the overall impact of FOI on their organisation. 48% of respondents reported that overall, the impact of FOI on their organisation has been positive, with 14% reporting that its impact has been very positive. 28% of respondents reported that FOI has neither had a positive nor negative impact on their organisation, with 19% of respondents reporting that overall, the impact of FOI on their organisation has been somewhat negative.
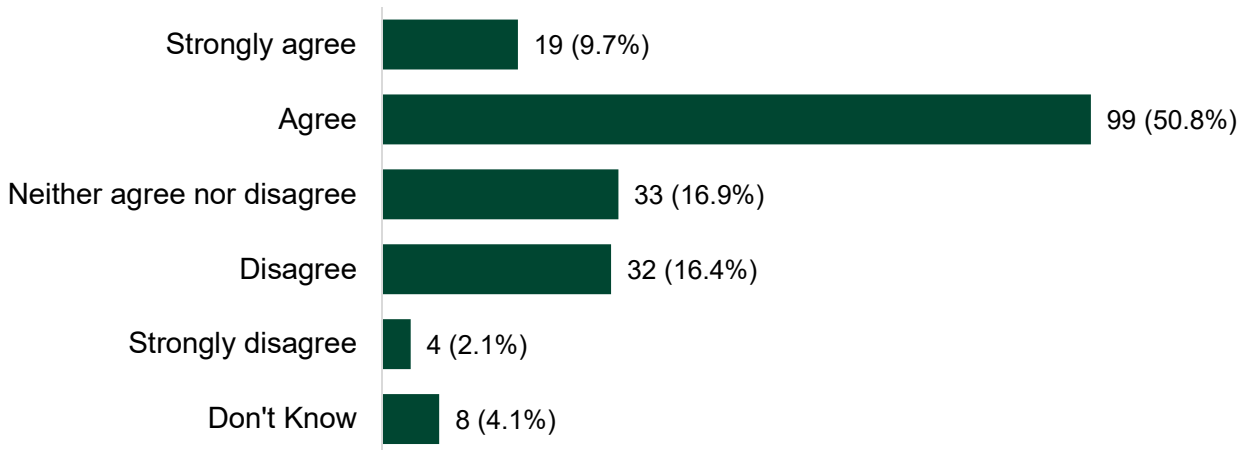
Overall, do you think the impact of FOI on your organisation is positive or negative?

Legend:
- Very positive impact
- Somewhat positive impact
- Neither positive not negative
- Somewhat negative impact
- Very negative impact
- Don't Know

Pie chart values: 28 (15%), 67 (34%), 55 (28%), 37 (19%), 6 (3%), 2 (1%)
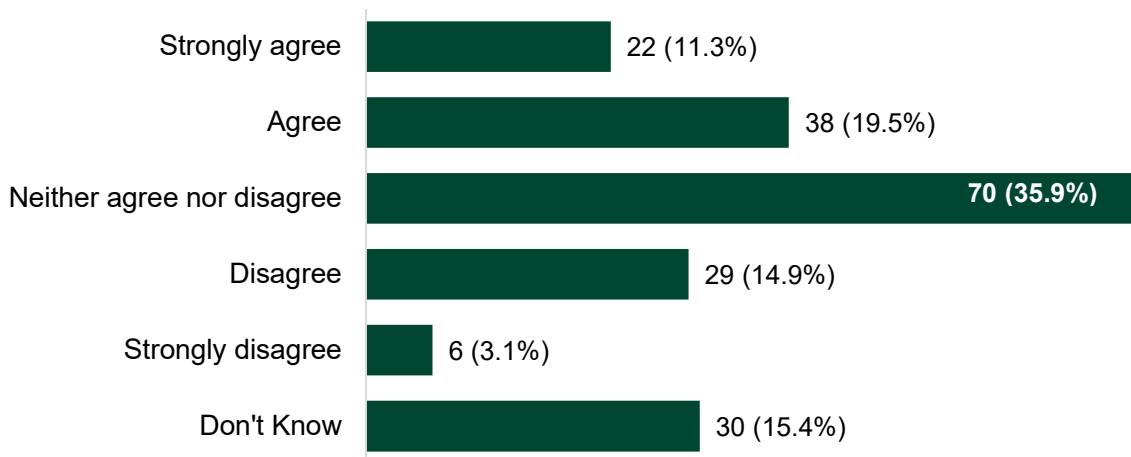
Impact of FOI: publication scheme duty

23.   Respondents were asked for information on the publication scheme duty to support assessment of its impact as a means of proactive publication.

24.   60% of respondents agreed that their organisation's Guide to Information (a requirement under the publication scheme duty) is regularly kept up to date. 16% of respondents disagreed, with the same proportion neither agreeing nor disagreeing with this statement.

My organisation's Publication Scheme "guide to information" is regularly kept up to date.

Category	Value
Strongly agree	19 (9.7%)
Agree	99 (50.8%)
Neither agree nor disagree	33 (16.9%)
Disagree	32 (16.4%)
Strongly disagree	4 (2.1%)
Don't Know	8 (4.1%)

25.   30% of respondents agreed that the information their organisation publishes under the publication scheme duty is rarely the information that the public wants to see. 35% of respondents neither agreed nor disagreed with this statement. 14% of respondents disagreed, with 15% reporting that they did not know.

The information my organisation publishes under the Publication Scheme duty is rarely what the public wants to see.

Strongly agree	22 (11.3%)
Agree	38 (19.5%)
Neither agree nor disagree	**70 (35.9%)**
Disagree	29 (14.9%)
Strongly disagree	6 (3.1%)
Don't Know	30 (15.4%)

26.   It is likely that respondents who were less definitive felt they were not in a position to be able to say for certain whether information their organisation publishes pursuant to the publication scheme duty had impacted on the number of requests received by their organisation.

27.   Respondents were also invited to provide additional comment about the publication scheme duty. These additional comments volunteered by 56 respondents are more revealing of the general sentiment of the majority of practitioners regarding the usefulness of the publication scheme duty as a means of proactive publication.

28.   A selection of the additional comments:

- "Agree with the move towards a more modern approach of the view to actively publish information. How you capture this, may still need a "guide" of [some] sense in the background as the starting point with the ability to adapt ideas of what information is deemed within the "public interest" to be disclosed. This may mean that the guide would become more specific to each public authority in the varying different sectors."

- "The publication scheme requirement is out of date and should be updated to reflect that the majority of websites have A-Z and free-text searching rendering most of the requirements of the scheme a duplication of work. Additionally, we are told that the more we publish the less FOI requests we will receive - this just isn't the case. One department in our organisation found that they received even more requests the more they published, asking for greater and greater granularity of data to unreasonable levels. I understand why we need to publish but the requirements need to be brought into step with the digital world."

- "The Publication Scheme seems to belong to a pre-internet age. Generally [,] people seem to search the website for what they want rather than consulting the Publication Scheme."

- "I think it could be in a more user-friendly layout for the public and I think it should be promoted and could be utilised more."

- "We are restricted by the website interface (e.g. it is a list in alphabetical order, which depends on what you term the document as, which may not match what others call it) and therefore people access the information via search, rather than through the scheme itself."

- "The publication scheme is not how individuals access information. As a public facing document, it is unclear what purpose it serves on a practical level."

- "Publication scheme is outdated, requesters don't really understand what it is or how it relates to them receiving information. It does not help me leverage improved/increased proactive publication within my organisation." [sic]

- "It is updated annually and in over 3 years in my role of responding to every FOI the institution receives I have never been able to refer to it within a response to a request."
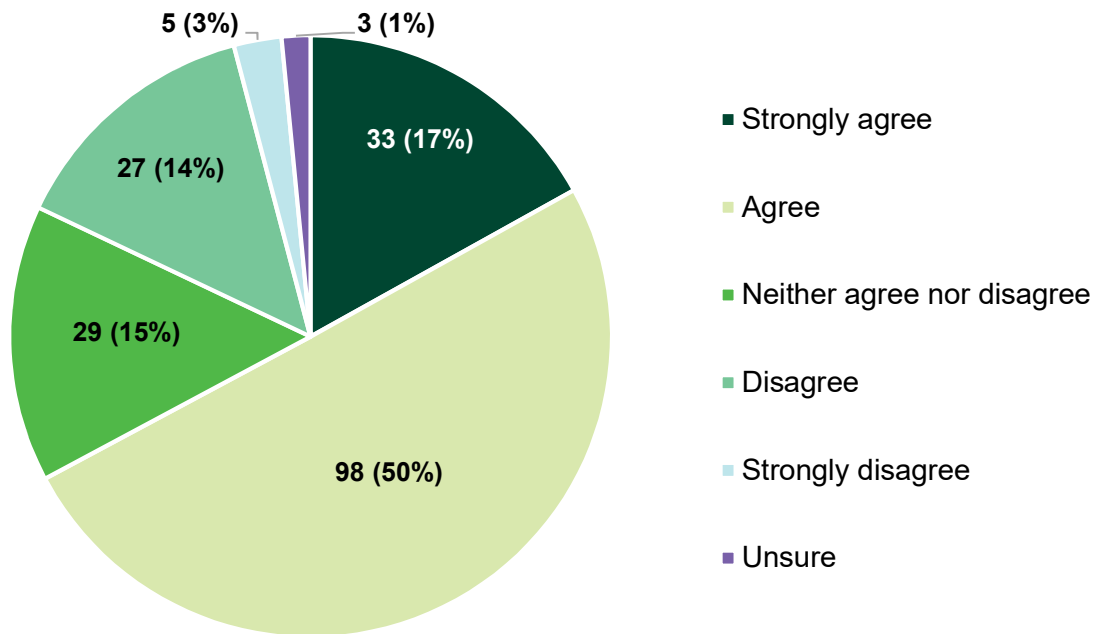
29. It is clear from the majority of comments that accessibility and content are key drivers of concerns practitioners have about the publication scheme duty.

Organisational support for practitioners

30. Respondents were asked for information on the awareness of FOI responsibilities within their organisation to support evaluation of organisational support for practitioners.

31. The majority of respondents reported that colleagues are mostly aware of their organisation's FOI responsibilities.

32. 91% of respondents agreed that staff within their organisation are aware of the requirement to carry out a search for recorded information following a request. 75% of respondents agreed that staff within their organisation are aware of the requirement to provide advice and assistance to requesters. 88% of respondents agreed that staff within their organisation are aware of the requirement to respond to requests within 20 working days.

33. 75% of respondents agreed that staff within their organisation are aware public authorities should not withhold information because it would be embarrassing to disclose. 69% of respondents agreed that staff within their organisation are aware public authorities should not withhold information because of the risk that it could be misinterpreted.

34. Respondents were also asked for information on elements of organisational support including the perceived value of practitioner advice and the adequacy of FOI resources.

35. The majority of respondents reported that most elements of support are available within their organisation.
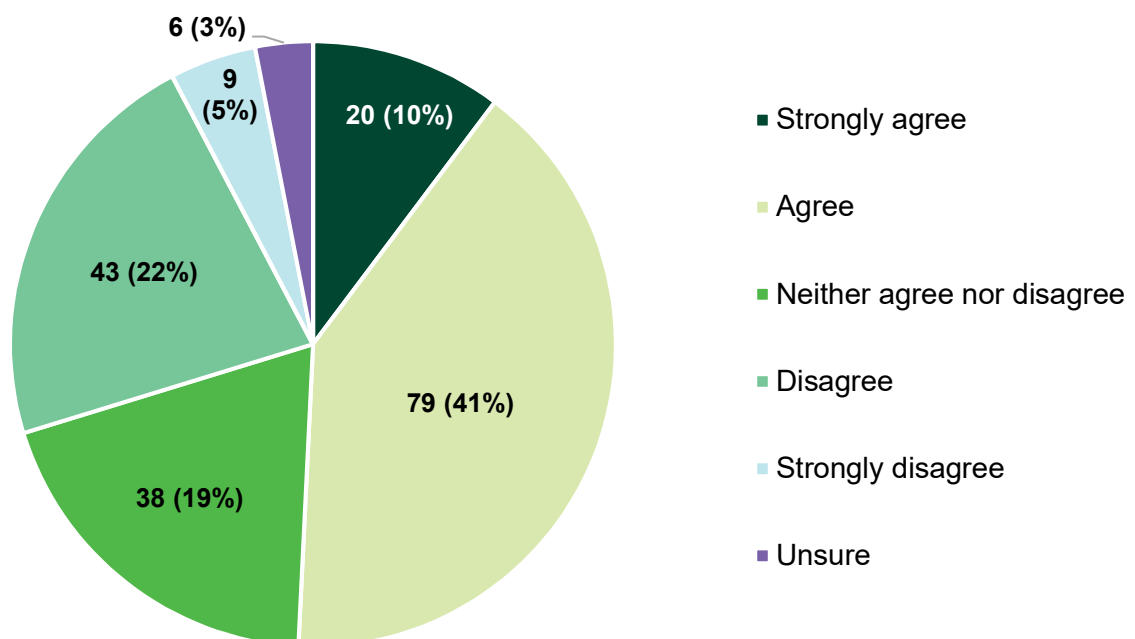
36. In relation to the training element of organisational support, 67% of practitioners agreed that their organisation provides bespoke training to staff responsible for FOI compliance, with 13% disagreeing that this was the case.

My organisation provides bespoke training to staff responsible for FOI compliance within the organisation.
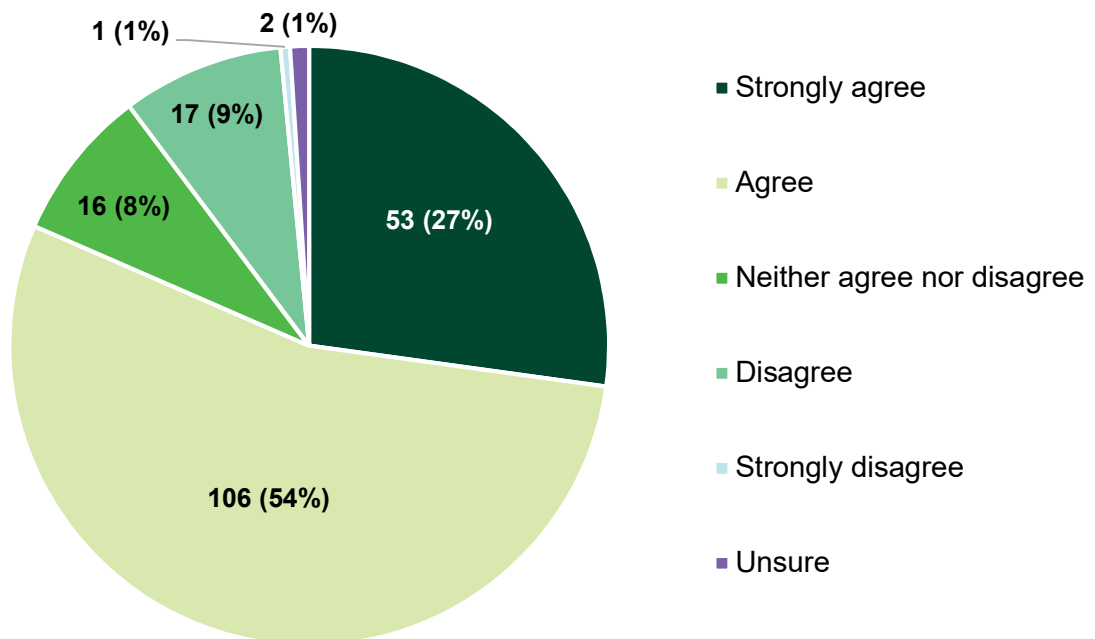

37. 50% of respondents reported that FOI training needs of all staff within their organisation are reviewed on a regular basis, with 22% disagreeing that this was the case.

FOI training needs of all staff within the organisation are reviewed on a regular basis.
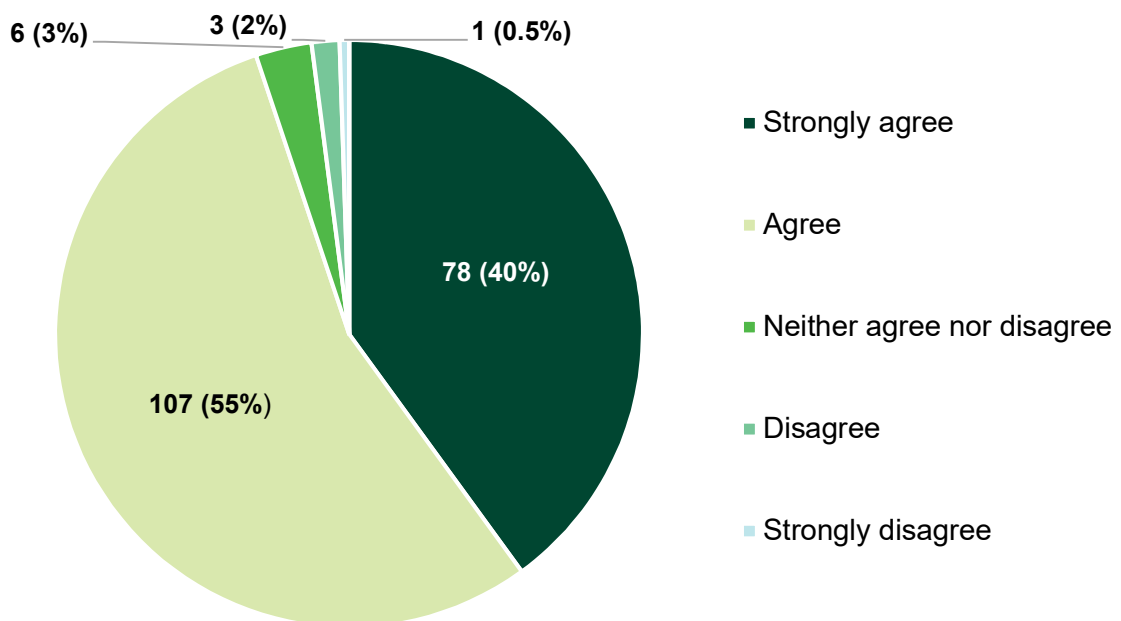
38.   In terms of support within business areas, 81% of respondents reported that there are named individuals in business areas within their organisations with responsibilities relating to complying with FOI requests, with 8% disagreeing that this was the case.

Named individuals within departments/areas in my organisation have responsibilities relating to complying with FOI requests.
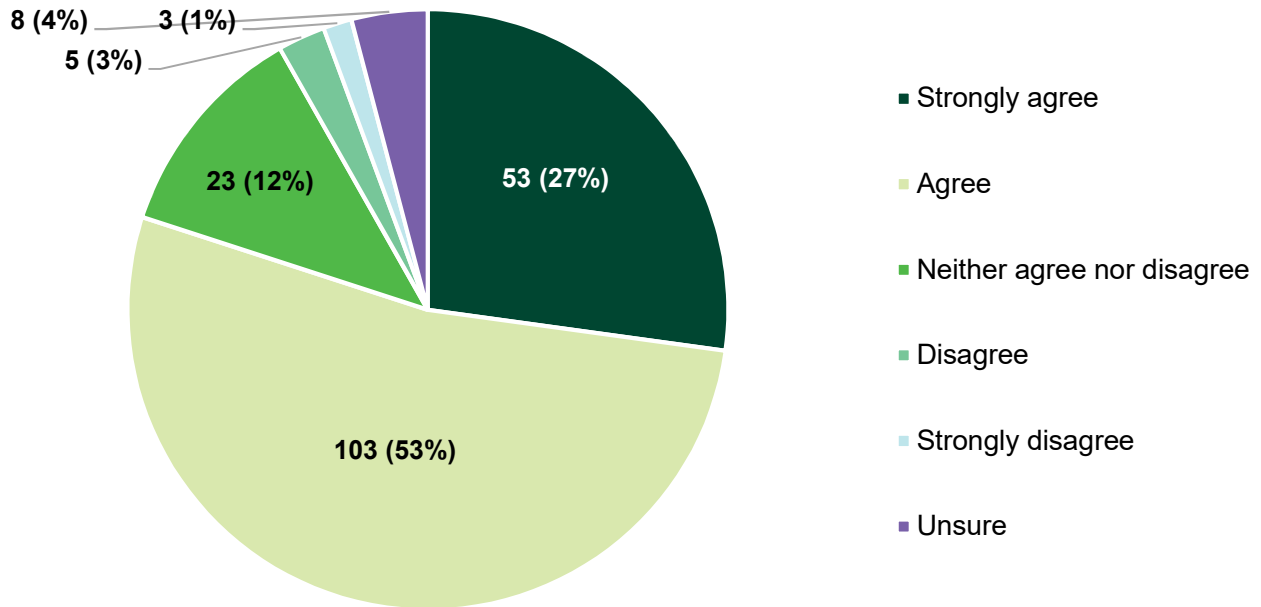

39.   In relation to the adequacy of case management systems, 94% of respondents reported that their organisation has adequate systems for recording requests, responses and reviews, with 1% disagreeing that this was the case.

My organisation has adequate systems for recording requests, responses and reviews.
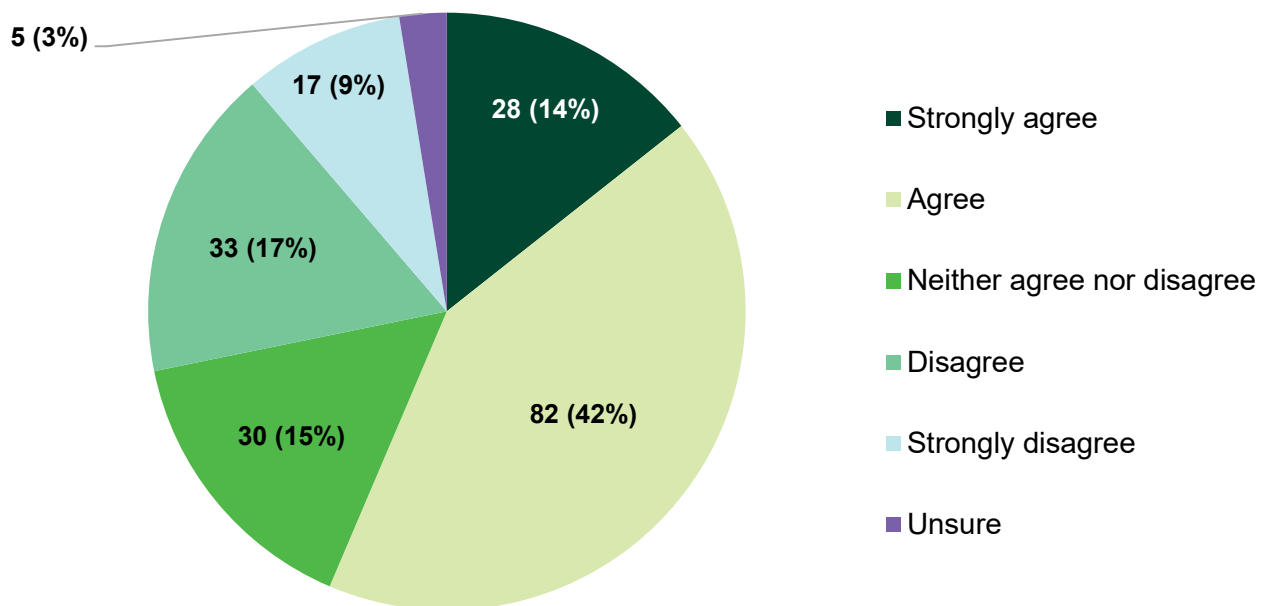
40.   On the perceived value placed by organisations on their advice, 80% of respondents reported that their advice in relation to FOI is valued within their organisation, with 2% disagreeing that this was the case.

My advice in relation to FOI is valued within my organisation.

8 (4%)   3 (1%)
5 (3%)

53 (27%) — Strongly agree
103 (53%)
23 (12%)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Unsure

41.   In relation to the adequacy of resources for FOI, 56% of respondents agreed with the statement that the FOI function is adequately resourced within their organisation. 15% neither agreed nor disagreed, with 25% disagreeing.

The FOI function is adequately resourced within my organisation.

5 (3%)

17 (9%)   28 (14%)
33 (17%)
30 (15%)   82 (42%)

- Strongly agree
- Agree
- Neither agree nor disagree
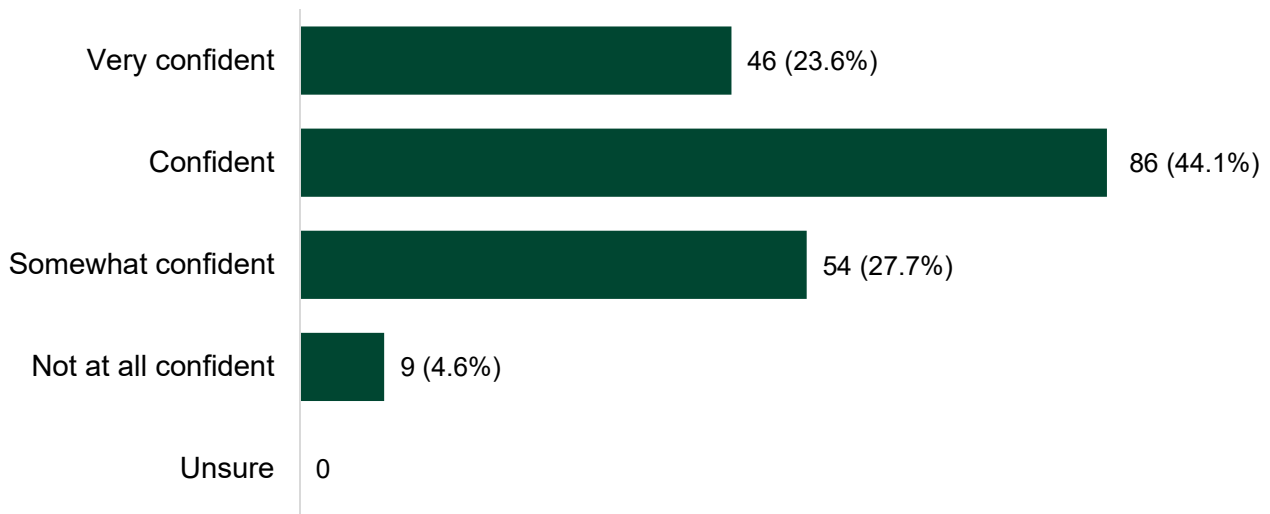- Disagree
- Strongly disagree
- Unsure

42.   Respondents were also invited to provide additional comment on improvements they would like to see to the support that their organisation provides to FOI practitioners.

43. 66 respondents volunteered suggestions, the majority of which can be summarised as follows:

- Provide adequate resources for the FOI function including a dedicated FOI resource similar to the Data Protection function.

- Provide nationally accredited FOI Training for practitioners with a recognised qualification.

- Provide more and frequent bespoke training sessions for practitioners.

44. A selection of the additional comments:

- "A dedicated FOI resource."

- "Adequate resource maintained and continued to be seen as a priority in central team. More resource provided in local departments that hold information."

- "Recognition - Recognised importance of the role and its function within the organisation. This may lead to better resourcing, systems needed, understanding of how this impacts many other areas within the organisation and how it could be used as part of an improvement plan for those, i.e. records management etc."

- "Better resourcing. Over the years, roles have been eroded by jobs being changed/duties added. We have no-one who deals simply with FOIs. It is generally seen as part of dealing with complaints/enquiries/data protection requests, etc."

- "A national, accredited qualification delivered by a reputable person/institute."

- "Recognition of practitioners as [an] area of expertise."

- "More bespoke training, more staff trained in FOI handling/training."

- "Training for staff that are providing responses to FOI requests to increase their understanding of FOI."

- "Regular training for practitioners and for those who [are] regularly require[d] to collate data for FOISA requests."

Practitioner confidence levels

45. Against this backdrop, it was interesting to also assess practitioner confidence levels. Respondents were asked how confident they felt that they had the requisite skills and knowledge to be effective FOI practitioners.

46. 95% of respondents reported that they felt confident that they had the skills and knowledge required to be an effective FOI practitioner, with 23% reporting that they felt very confident, 44% reporting that they felt confident and 27% reporting that they felt somewhat confident. Just 4% of respondents reported that they did not feel confident at all that they had the requisite skills and knowledge to be an effective FOI practitioner.
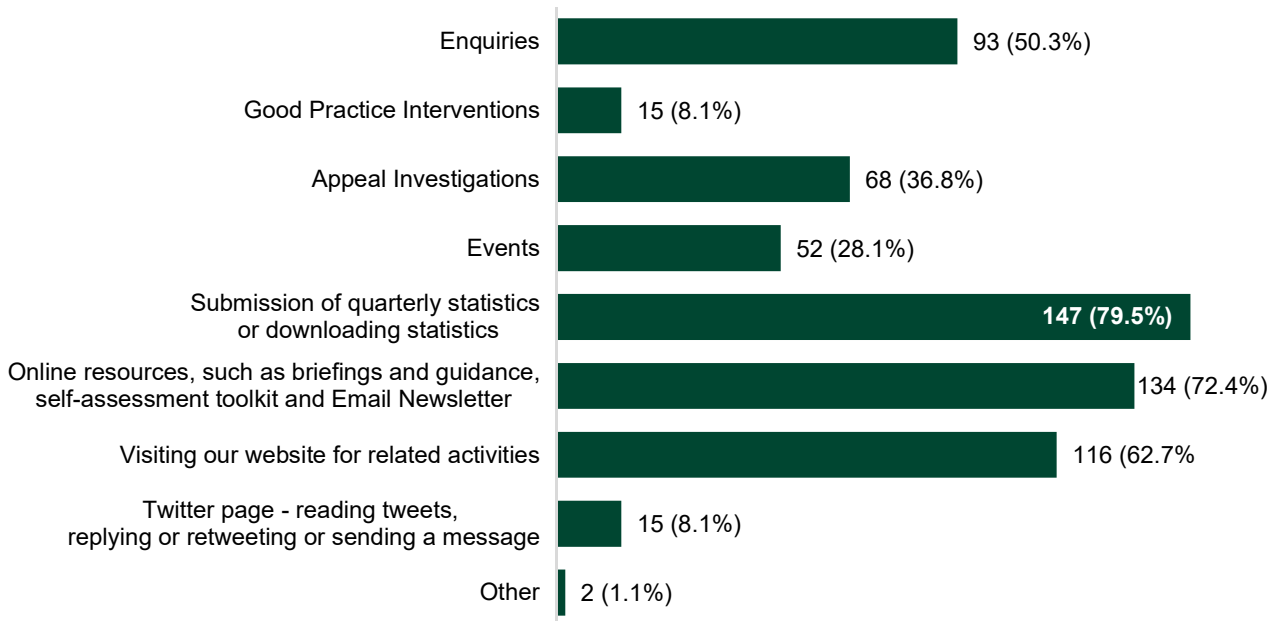
To what degree do you feel confident you have the skills and knowledge required to be an effective FOI practitioner?

Category	Value
Very confident	46 (23.6%)
Confident	86 (44.1%)
Somewhat confident	54 (27.7%)
Not at all confident	9 (4.6%)
Unsure	0

SIC support for practitioners

47.   Respondents were asked for information on their engagement with the Commissioner's office to evaluate the support that the Commissioner's office provides to practitioners.

48.   Unsurprisingly, submission of quarterly statistic and downloading of same was the most common form of engagement activity. 79% of respondents reported this as an engagement activity they have had with the Commissioner's office. 72% of respondents reported that they had engaged with the Commissioner's online resources such as briefings and guidance, the self-assessment toolkit and the Email Newsletter.

49.   50% of respondents reported that they had engaged with the Commissioner's office through enquiries, with 62% reporting that they had visited the Commissioner's website for related activities.

Thinking specifically about the nature of engagement that you have had with the Commissioner's Office, please select any of the following that describes the engagement activity:

Category	Value
Enquiries	93 (50.3%)
Good Practice Interventions	15 (8.1%)
Appeal Investigations	68 (36.8%)
Events	52 (28.1%)
Submission of quarterly statistics or downloading statistics	**147 (79.5%)**
Online resources, such as briefings and guidance, self-assessment toolkit and Email Newsletter	134 (72.4%)
Visiting our website for related activities	116 (62.7%
Twitter page - reading tweets, replying or retweeting or sending a message	15 (8.1%)
Other	2 (1.1%)

50.   87% of respondents reported that their most recent engagement activity with the Commissioner's office was up to 6 months ago.

When was your most recent engagement activity with the Commissioner's office?

Category	Value
Up to 6 months ago	162 (87.6%)
More than 6 months but less than 2 years ago	14 (7.6%)
More than 12 months but less than 2 years ago	6 (3.2%)
More than 2 years ago but less than 5 years ago	3 (1.6%)
Over 5 years ago	0

51.   Respondents were asked to assess a number of key elements of support provided by the Commissioner's office.

52.   51% of respondents reported that they found the enquiries service useful, with 41% reporting that they did not know whether it was a useful element of support. It is worth noting that the proportion of respondents who found this a useful element of

support is similar to the proportion of respondents (50%) who reported that they had used this service as a form of engagement activity.

53.   The majority of respondents reported that they found the briefings/guidance on FOI exemptions and the EIR exceptions useful, with 90% reporting that they found the exemptions guidance useful and 71% reporting same for the guidance on exceptions.

54.   62% of respondents reported that they found the self-assessment toolkit useful, with 31% reporting that they did not know whether it was a useful element of support.

55.   68% of respondents reported that they found the Guide to the Model Publication Scheme useful, with 14% either reporting that they did not find it useful or did not know whether was a useful element of support.

56.   70% of respondents reported that they found the Decisions database useful, with 21% reporting that they did not know whether it was a useful element of support.

57.   93% of respondents reported that they found the Commissioner's website useful, with 42% reporting that they found it a very useful element of support.

58.   71% of respondents reported that they found the email newsletter useful, with 22% reporting that they did not know whether it was a useful element of support.

59.   Only 13% of respondents reported that they found the Commissioner's twitter page a useful element of support, with 12% reporting that they didn't think it was very useful. 66% of respondents reported that they didn't know whether it was a useful element of support, which is consistent with only 8% of respondents reporting that they had used the Commissioner's twitter handle as a form of engagement activity.

60.   50% of respondents reported that they found the Commissioner's office's input to FOI Forums/Network Groups useful, with 42% reporting that they did not know whether it was a useful element of support.

61.   47% of respondents reported that they found the Commissioner's input to the Centre for FOI Practitioners' Conference useful, with 43% reporting that they did not know whether it was a useful element of support.

62.   Respondents were invited to provide additional comment on improvements they would like to see to the support that the Commissioner's office currently provides to practitioners and organisations.

63.   52 respondents volunteered suggestions, the majority of which can be summarised as follows:

- Make the website more user-friendly.

- Improve the search functionality of the Decisions database.

- Additional guidance on the EIRs.

- Provide more bespoke training.

- Improve engagement with organisations.

64.   A selection of the additional comments:

- "[T]he website, to make it more user friendly with better free search functionality."

- "Would like the website to be easier to navigate."

- "The decisions database is often difficult to search and the decisions could be set out in a better fashion."

- "The search engine for the Decisions Data base is poor. A subject index would be a useful addition."

- "Further guidance on EIRs."

- "Upload specific guidance on Regulations 10(4)(d), 10(5)(d), 10(5)(e) under 'Exception Briefing Series (EIRs)' on the OSIC website."

- "Actual training not just the decisions database but training in FOISA/EIRS from request to Appeal (especially Appeals) as no matter which training "firm" you use they do not cover Appeals or Reviews well enough."

- "An idea similar to ICO – Whereby there is a central person in each organisation that OSIC contact or liaise with – e.g. the ICO only correspond with one named person – DP. Perhaps this can be the same for OSIC, then OSIC may not be overwhelmed by contact from organisations and also it keeps the process streamlined. Each organisation has one OSIC contact. This will also ensure the organisation are making sure their FOI contact is aware of any issues or can provide guidance to the organisation. Also, this will build a relationship with the FOI contact and OSIC as well as assisting with learning for the FOI contact."

- "[S]upport seems to still be email only – be good to have a direct number to call."

- "Instant live chat for enquiries."

65.   Respondents were also invited to provide additional comment on other forms of support that they would like to see the Commissioner's office provide to practitioners and organisations.

66.   41 respondents volunteered suggestions, the majority of which can be summarised as follows:

- Push organisations to adequately resource the FOI function.

- Provide decisions learning and feedback sessions.

- Provide training for new practitioners and troubleshooting sessions for all practitioners.

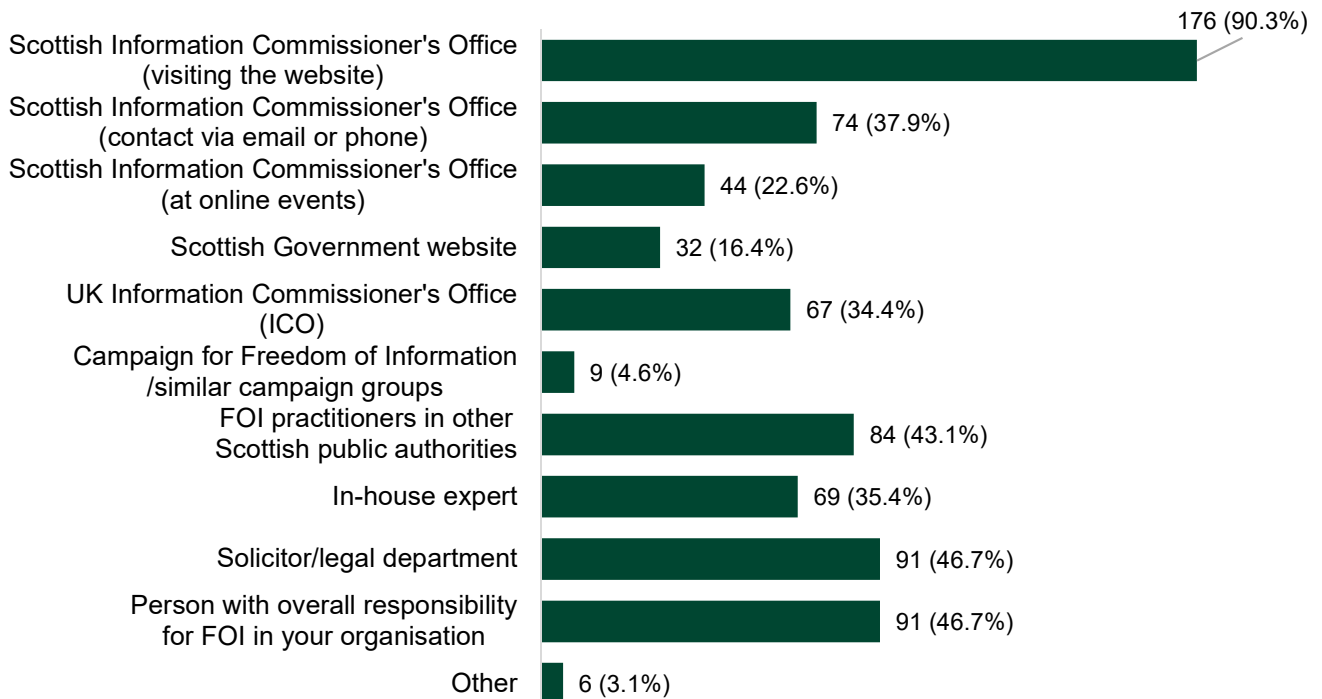- Provide regular status updates on current applications.

67. A selection of the additional comments:

- "A push from OSIC to encourage organisations to take FOI more seriously and to resource it properly. I would like a requirement or strong recommendation that there is a named FOI officer akin to the DPO role for data protection, along with similar requirements and protections for the member of staff in that role."

- "The opportunity to discuss and learn from Decisions, once a decision is made, to develop learning and understanding. [Once] a decision is made there is a sense of that is it, no further discussion can be held, which is understandable if the matter was to proceed to the Court of Session or higher."

- "Actual learning and feedback provided around why decisions have been reached, and how requests would be expected to have been handled differently."

- "Provide e-learning/online training for practitioners (especially for new practitioners or where there are small FOI teams)."

- "It would be helpful to have a series of workshops on specific things whether specific exemptions or reviews…"

- "Specialist workshops throughout the year aside from the FOI Practitioners' Conference would be welcome…"

- "Training on some of the most common reasons for appeals being upheld."

- "OSIC status updates on appeals to organisations, it can be months between receiving notification and our next communication from OSIC on an appeal."

68. Respondents were also asked for information on where they turn to for advice on FOI from a list of options.

69. 90% of respondents reported that they turn to the Commissioner's website for advice on FOI, a solid endorsement from practitioners of the support available from the Commissioner's office.

Where do you turn to for advice on FOI? Select all that apply:

Source	Value
Scottish Information Commissioner's Office (visiting the website)	176 (90.3%)
Scottish Information Commissioner's Office (contact via email or phone)	74 (37.9%)
Scottish Information Commissioner's Office (at online events)	44 (22.6%)
Scottish Government website	32 (16.4%)
UK Information Commissioner's Office (ICO)	67 (34.4%)
Campaign for Freedom of Information /similar campaign groups	9 (4.6%)
FOI practitioners in other Scottish public authorities	84 (43.1%)
In-house expert	69 (35.4%)
Solicitor/legal department	91 (46.7%)
Person with overall responsibility for FOI in your organisation	91 (46.7%)
Other	6 (3.1%)

Perception of FOI

70.   Respondents were asked for their views on a number of statements regarding FOI to support analysis of practitioner perception of FOI.

- 82% of respondents agreed that FOI is an important public right. 12% neither agreed nor disagreed and just 4% of practitioners disagreed.

- 75% of respondents disagreed that FOI does not increase transparency and accountability in public life.

- 59% of respondents disagreed that FOI does not increase trust in organisations.

- 51% of respondents agreed that FOI improves public engagement with organisations.

- 55% of respondents agreed that FOI can serve as a check on wasteful public expenditure.

- However, 68% of respondents agreed that FOI puts a strain on limited resources.

71.   Respondents were also invited to provide additional comment on their experience of FOI to further support analysis of practitioner perception of FOI.

72.   50 respondents volunteered comments, the majority of which can be summarised as follows:

- FOI is an important public right in Scotland.

- The Commissioner's office has an important role to play in supporting proactive publication.

- FOI is resource-intensive

- The profile of FOI in Scotland should be raised.

- Abuse of FOI should be more curtailed.

73.   A selection of the additional comments:

- "FOI is working very well in Scotland. The SIC decisions database represents an established line of jurisprudence on FOI and the EIRs that is unprecedented elsewhere. The SIC guidance is updated regularly and is very clear regarding what is required and how the various duties and obligations are to be applied in practice. Requests can be burdensome and difficult to manage in practice, particularly if they involve multiple questions, but the value in being open and transparent and the improvements in transparency, accountability and public relations that it brings do provide benefits in terms of public perception, etc."

- "It would be useful to end the discussion around whether or not FOI is a burden, or whether individuals within authorities do or do not like it. Re-focus supports on how organisations can do transparency better with practical and consistent tools, support, and advice. At present, I hear considerably more from the regulator in terms of what has gone wrong than I do about what has gone right." [sic]

- "FOI is incredibly time consuming and expensive. More focus on proactive publication and a more real world approach to cost and time limits would support compliance."

- "Frequent requests for very similar but not identical breakdowns of the same information are made which are very resource heavy. A broader interpretation of what is considered 'published' would reduce burden and greatly encourage proactive publication."

- "I would like to see a statutory FOI role within organisations - like a DPO."

- "The inclusion in the legislation of the legal requirement to have a dedicated FOI Officer in line with the UK GDPR requirement for a DPO."

- "I firmly believe that FOISA is necessary and beneficial and aids in the openness and transparency of organisations. However, I do feel that it can be misused by applicants, though without restricting the scope there is no way around this that I can see. Consideration needs to be given to publication schemes and to how beneficial it is to the public and also the impact on the organisation in maintaining it as well as responding to requests."

- "A change in the law regarding the vexatious provisions would help improve the reputation/view of FOI within my organisation. While vexatious requestors are small in number they have a huge impact in creating a negative view of FOI. The current vexatious law/guidance makes it very difficult and hugely resource intensive to confidently use the vexatious exemptions. Consequently, a handful of individuals can plague an authority with never-ending requests, reviews or appeals which are

hugely burdensome and demoralising. A change in focus to the requestor, rather than the request would help rectify this. I appreciate that there could be concerns that the provision would be misused to include journalists and other regular requestors. However, I believe there is enough experience in organisations and in the SIC to prevent this and focus the provision to only apply to the small number of individuals that abuse the FOI rights."

Appendix 1: FOI Practitioners Survey

Intro text

We would like to ask you a few questions about your experience of Scotland's freedom of information (FOI) obligations.

Who should complete the survey?

We are asking FOI practitioners to complete the survey. Multiple practitioners from a single organisation can take part in the survey.

Taking part in the survey is optional, but any information you provide will be helpful to build a picture of openness and transparency in the public sector. Your feedback will also be used to help us evaluate and improve the support we provide to organisations.

How long would it take to complete the survey?

The survey should take 15 to 20 minutes to complete.

Privacy and the data you provide

Data provided will inform the preparation of a short evaluation report by the Commissioner, which will be published at www.itspublicknowledge.info

This questionnaire won't ask for your name, or that of your organisation, to ensure that the feedback you provide is anonymous. We ask that you do not provide any information which may identify individuals, in your responses, or your organisation. This will include your own personal data, or that of others. Do not, for example, provide names or job titles of individual staff.

If any personal data is provided, this will be removed in our evaluation report.

Our privacy notice tells you more about us and how we process personal data, and the rights individuals have in respect of the personal data we process. You can read it at www.itspublicknowledge.info/privacy.

You should be aware that the Commissioner can receive FOI requests for individual responses to surveys. Such requests will be dealt with under Scotland's FOI laws which include consideration of applicable exemptions.

Further information and alternative formats

If you have questions about this survey, or would like to receive a copy or take part in a different format, please email us at enquiries@itspublicknowledge.info

Question 1

Which of the following sectors best describes your organisation?

- Health and Social Care

- Higher/Further Education

- Leisure and Culture

- Local Government

- Police, Justice and Fire

- Registered Social Landlords

- Central Government/Parliament

- Part 7 body in Schedule 1 of the FOISA)

- Other – please specify (please do not include your organisation's name)

Question 2

What is the approximate number of employees in your organisation?

- 10 or fewer employees

- 11-50 employees

- 51-250 employees

- More than 250 employees

Question 3

Approximately how many FOI requests (including under the Environmental Information (Scotland) Regulations – EIRs) does your organisation receive annually?

- None
- 1-10
- 11-50
- 51-100
- 101-500
- 501-1000
- More than 1000

Question 4

Which of the following areas/roles has overall/strategic responsibility for FOI within your organisation?

- Chief Executive/Board

- Senior Management

- Managers

- Unsure

- Other

Question 5

Now thinking specifically about operational responsibilities, which of the following areas/roles best describes where responsibility for the day to day management of your organisation's FOI obligations (for example, responding to FOI requests) lies?

- Chief Executive/Board

- Senior Management

- Managers

- Caseworkers

- Other Staff in non-managerial roles

- Unsure

- Other – please specify

Question 6a

Aside from FOI, what other duties do you have within your organisation.

- FOI is my only role
- Data Protection
- Records Management
- Legal
- Management
- Communications
- Information Technology
- Customer Service
- Administrative
- Other – please specify

Question 6b

Thinking about the impact of the dual or multiple roles you have within your organisation, would you say this has had a positive or negative impact on your FOI duties?

- Very positive impact

- Somewhat positive impact

- Neither Positive nor Negative

- Somewhat negative impact

- Very negative impact

- Don't Know

__Engagement with the Scottish Information Commissioner's Office__

Question 7a

Thinking specifically about the nature of engagement that you have had with the Commissioner's Office, please select any of the following that describes the engagement activity

- Enquiries

- Good Practice Interventions

- Appeal Investigations

- Events

- Submission of quarterly statistics or downloading statistics

- Online resources, such as briefings and guidance, self-assessment toolkit and Email Newsletter

- Visiting our website for related activities

- Twitter page – reading tweets, replying or retweeting, or sending a message

- No Interaction

- Other – please specify

Question 7b

When was your most recent engagement activity with the Commissioner's Office?

- Up to 6 months ago

- More than 6 months but less than 12 years ago

- More than 12 months but less than 2 years ago

- More than 2 years but less than 5 years ago

- Over 5 years ago

Impact of FOI

Question 8

Overall, do you think the impact of FOI on your organisation is positive or negative?

- Very positive impact

- Somewhat positive impact

- Neither positive nor negative

- Somewhat negative impact

- Very negative impact

- Don't Know

Question 9

To what extent would you agree or disagree with the following statements regarding the impact of FOI on your organisation?

Strongly agree, Agree, Neither agree nor disagree, Disagree, Strongly disagree

It has not improved our records management policies and procedures

It improves our engagement with the communities we serve and the wider public

It increases public trust in my organisation

It makes my organisation less proactive in publishing information about our work

It makes my organisation less proactive in publishing internal deliberations about our decisions

It makes my organisation less likely to regularly review the quality of information that we publish proactively

It makes my organisation more open and accountable

Question 10

Thinking specifically about the Publication Scheme duty, to what extent would you agree or disagree with the following statements?

Strongly agree, Agree, Neither agree nor disagree, Disagree, Strongly disagree

My organisation's Publication Scheme "guide to information" is regularly kept up to date

The information my organisation publishes under the Publication Scheme duty is rarely what the public wants to see

Question 10a

Do you have any additional comments regarding the Publication Scheme Duty?

Question 11

Now thinking more generally (not just in relation to your organisation), to what extent would you agree or disagree with the following statements about FOI

Strongly agree, Agree, Neither agree nor disagree, Disagree, Strongly disagree

It is not needed

It improves records management

It does not increase trust in organisations

It does not increase public knowledge regarding the work of organisations

It improves public engagement with organisations

It does not increase transparency and accountability in public life

It can serve as a check on wasteful public expenditure

It puts a strain on limited resources

It is an important public right

Question 11a

Do you have any additional comments on the impact of FOI?

Organisational awareness of FOI obligations and good practice

Question 12

To what extent would you agree or disagree that staff within your organisation are aware of the following responsibilities?

Strongly agree, Agree, Neither agree nor disagree, Disagree, Strongly disagree

Public authorities must disclose requested information unless there is a legal reason not to

Public authorities must carry out a search for recorded information following a request for information

Public authorities must generally respond to requests for information within 20 working days

Public authorities have a duty to provide advice and assistance to requesters

Public authorities must not consider the identity of a requester when responding to a request unless in certain circumstances

Public authorities may be able to disclose personal data in response to a request

Public authorities should not withhold information because it would be embarrassing to disclose

Public authorities should not withhold information because of the risk that it could be misinterpreted

Public authorities must maintain an up-to-date Publication Scheme

Adequacy of Support

Question 13

Where do you turn to for advice on FOI?

- Scottish Information Commissioner's Office (visiting the website)
- Scottish Information Commissioner's Office (contact via email or phone)
- Scottish Information Commissioner's Office (at online events)
- Scottish Government website
- UK Information Commissioner's Office (ICO)
- Campaign for Freedom of Information/similar campaign groups
- FOI practitioners in other Scottish public authorities
- In-house expert
- Solicitor/legal department
- Person with overall responsibility for FOI in your organisation

- Other – please specify

Question 14

Thinking specifically about the support available within your organisation, to what extent would you agree or disagree with the following statements

Strongly agree, Agree, Neither agree nor disagree, Disagree, Strongly disagree

My organisation provides training to staff on FOISA

My organisation provides training to staff on the EIRs

My organisation provides bespoke training to staff responsible for FOI compliance within the organisation

FOI training needs of all staff within the organisation are reviewed on a regular basis

My organisation has adequate systems for the retention and disposal of records

My organisation has adequate procedures for keeping records up to date

There are named individuals within departments/areas in my organisation with responsibilities relating to complying with FOI requests

My organisation has adequate processes and procedures for managing requests, responses and reviews

My organisation sets targets for ensuring timely responses to requests and requests for reviews

Performance against targets is routinely monitored and reported to senior management

My organisation has adequate systems for recording requests, responses and reviews

My advice in relation to FOI is valued within my organisation

The FOI function is adequately resourced within my organisation

Question 14a

How many members of staff in your organisation work on FOI duties as their main responsibility?

- 1 member of staff

- 2 members of staff

- 3 – 5 members of staff

- 6 – 10 members of staff

- More than 10 members of staff

Question 15

To what degree do you feel confident you have the skills and knowledge required to be an effective FOI practitioner?

- Very confident

- Confident

- Somewhat confident

- Not at all confident

- Unsure

Question 15a

What improvements would you like to see to the support that your organisation provides to FOI practitioners?

Question 16

Now thinking specifically about external support, how would you rate each of the following elements of support provided by the Commissioner's office

Very useful, Fairly useful, Not very useful, Not at all useful, Don't know

The Briefings/Guidance on FOI exemptions

The Briefings/Guidance on EIR exceptions

The Email Newsletter

Input to the FOI Practitioners Conference

Input to the FOI Forum/Network

The Self-Assessment Toolkit

The Guide to the Model Publication Scheme

The Enquiries Service

The Quarterly Statistics Portal

The Decisions database

Twitter

The Scottish Information Commissioner's Website

Question 16a

What improvements would you like to see to any of the support that the Commissioner's office currently provides to FOI practitioners and organisations?

Question 16.a.i

What other forms of support would you like to see the Commissioner's office regularly provide to FOI practitioners and organisations

Question 17

Do you have any final comments about your experience of FOI, or any suggestions you have not yet had chance to share in this questionnaire? (Please do not include any personal data)

Outro text

Thank you for taking the time to complete our survey. Your participation is greatly appreciated.

If you have any questions about the survey or FOI in general, you can contact us at enquiries@itspublicknowledge.info